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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7  
8 WILLIAM HELM, et al., No. C 08-01184 SI

9 Plaintiffs,

10 v.

11 ALDERWOODS GROUP, INC,

12 Defendant.

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14 **ORDER DENYING DEFENDANT'S**  
15 **MOTION TO COMPEL DEPOSITION**  
16 **[Docket No. 194]**

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18 Defendant has filed a discovery motion seeking to compel the deposition of Heidi Fontaine, who  
19 submitted two affidavits in support of plaintiffs' motion for class certification. Ms. Fontaine is not  
20 currently a named plaintiff in this matter, and plaintiffs' counsel have stated that they are unable to  
21 contact or produce Ms. Fontaine for deposition. Defendant has apparently been unable to contact Ms.  
22 Fontaine at her last known address, or to obtain an updated address.

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24 In light of the foregoing, the Court hereby STRIKES Ms. Fontaine's affidavits from the record  
25 and DENIES defendant's motion to compel deposition of Ms. Fontaine.

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27 **IT IS SO ORDERED.**

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29 Dated: October 28, 2009

  
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31 SUSAN ILLSTON  
32 United States District Judge